

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL YOUNG,)	
)	
Petitioner,)	
vs.)	NO. CIV-07-230-HE
)	
JUSTIN JONES, Director,)	
Dept. of Corrections,)	
)	
Respondent.)	

ORDER

Petitioner Michael Young, a state prisoner appearing *pro se*, instituted this action claiming his due process rights were violated during a disciplinary hearing.¹ Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach, who has recommended that a motion to dismiss filed by the respondent, which the magistrate judge converted to a motion for summary judgment, be granted. The magistrate judge concluded that because the petitioner lacked a protected liberty interest in his earned credits or his ability to earn achievement credits he had no constitutional right to due process in the disciplinary proceedings.


The petitioner failed to object to the Report and Recommendation and thus waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28

¹*The magistrate judge noted that the petitioner also referred to an equal protection violation in his petition, but concluded that, as he had failed to support the reference with any specific facts, it was insufficient as a matter of law. Report and Recommendation, p. 2 n.2.*

U.S.C. §636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Bacharach's Report and Recommendation and **grants** the respondent's motion [Doc. #9]. The petition is **denied**.

IT IS SO ORDERED.

Dated this 5th day of December, 2007.



JOE HEATON
UNITED STATES DISTRICT JUDGE